

Human Services Committee JOINT FAVORABLE REPORT

Bill No.: HB-6634

AN ACT CONCERNING ESSENTIAL SUPPORT PERSONS AND A STATE-WIDE VISITATION POLICY FOR RESIDENTS OF LONG-TERM CARE

Title: FACILITIES.

Vote Date: 3/31/2021

Vote Action: Joint Favorable

PH Date: 3/25/2021

File No.:

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SPONSORS OF BILL:

Human Services Committee

REASONS FOR BILL:

This bill proposes to establish a process for long-term care facilities and residents to designate essential support persons (ESP). In the event of future public health emergencies, ESPs are granted exemption from potential visitation restrictions. This bill seeks to address residents' socialization, health, safety, and well-being. This legislation also designates the Commissioner of Public Health to establish a state-wide visitation policy for long-term care facilities.

RESPONSE FROM ADMINISTRATION/AGENCY:

Mairead Painter, State Long-Term Care Ombudsman, Department of Aging and Disability Services, supports this bill because she believes the social and emotional needs of residents must be met. She notes that these needs "should be viewed as equal in importance to medical needs." This bill is a pro-active approach that ensures that residents of long-term care facilities never have to endure the devastating consequences of prolonged isolation again. Ms. Painter believes that to holistically meet the multi-faceted needs of residents, they must have the ability to designate an ESP.

NATURE AND SOURCES OF SUPPORT:

Matthew V. Barrett, President and CEO, Connecticut Association of Health Care Facilities, supports this bill with a modification. Mr. Barrett recommends eliminating the ability for long-term care facilities to work with the State Ombudsman to identify an ESP if the resident has

not done so. This provision negates the core belief that a resident should identify their ESP. In the original concept, the ESP is most likely someone who has a history of providing care to the resident. Mr. Barrett also notes that mandating each resident to have a designated ESP, implies that all residents need or desire an ESP. This does not align with the original intent of ESPs.

AARP Connecticut supports the intent of the bill, although they are concerned about its potential future enforcement. AARP CT notes the current discrepancies in the interpretation and application of federal and state regulations by nursing homes. Because of this, they are concerned about the ability of the state to enforce these policies and adequately combat isolation in nursing homes. AARP CT recommends the creation of a process for “residents and their families to find assistance and hold facilities accountable when they believe they have been inappropriately denied visitation.”

Jeffery Freiser supports this bill with two amendments to empower residents and their families. The first is a provision to ensure the transparency of vital information, particularly during a public health crisis. Information should include infection rate, mortality, and vaccine data. Mr. Freiser believes that family members have a right to access this information. Mr. Freiser also believes the role of family councils must be strengthened, and “long-term care management must be required by statute to support them.” Family councils play a critically important role; they create a network of support and collective strength among families to advocate for changes in facility policies and practices.

Kathleen McCarty, CT State Representative

Michael Werner, Law & Policy Fellow, Commission on Women, Children, Seniors, Equity and Opportunity

They support this bill as it is a critical step towards ensuring that residents’ social and emotional health needs are met. They explain how a prolonged period of absence from visitors throughout the pandemic has resulted in devastating outcomes for residents of long-term care facilities. Rep. McCarty believes that establishing an essential caregiver program will “bring extra comfort, protection and care to our nursing home residents on an ongoing basis.” Rep. McCarty also notes that an essential caregiver is not a visitor and thus must adhere to the same safety protocol as staff in long-term facilities. Mr. Werner also notes that there is no fiscal note for this bill.

Mag Morelli, President, LeadingAge Connecticut supports this bill with two amendments. Ms. Morelli recommends adding language to ensure the ESP is providing assistance in accordance with the resident’s person-centered care plan. She is concerned that placing a requirement on long-term care facilities to identify an essential support person for each resident will result in a high volume of persons able to enter and stay in a facility during a public health emergency. Ms. Morelli also believes this requirement exceeds the original concept of an ESP which was a person who had a “history of providing essential support to the resident.”

Tania Ryea
Valerie Marcella

They support this bill because as ESPs, they understand the critical and necessary care they provide. They note that the essential care they provide would not otherwise be offered due to low staffing levels. When they were no longer able to visit their family members in long-term care facilities, their health and wellbeing declined dramatically. They support this bill because it ensures that long-term residents have access to the essential care they require.

NATURE AND SOURCES OF OPPOSITION:

Amy Badini
Irma Rappaport
Beth Scully
Elizabeth Stern

They oppose the bill for many reasons, although they support its spirit. They all oppose the bill's provision to designate the Commissioner of Public Health (DPH) to create the parameters for the ESP. Each testifier believes the bill should have the ESP language in place and contained within the bill, to ensure transparency. Some testifiers emphasize the need for the bill to clearly reflect that an ESP is not a visitor; they provide essential care. Therefore, they need to be afforded the same access and follow the same protocols as employees. Due to the lack of enforcement of current federal policy in some long-term care facilities, a few testifiers believe the bill must include explicit language concerning enforcement.

Reported by: Gianna Vollano

Date: April 6, 2021